

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ALBERTO XIC, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 3:17-cv-137
§
RANDALL TEAM LIMITED §
LIABILITY COMPANY dba §
GALVESTON WASHATERIA, §
JAMIE RANDALL, INDIVIDUALLY, §
and JEFFREY RANDALL, §
INDIVIDUALLY, §
§
Defendants. §

ORIGINAL COMPLAINT

SUMMARY OF SUIT

1. Defendant Randall Team Limited Company dba Galveston Washateria (the "Company") operates a laundry and washateria in Galveston, Texas. Unfortunately, the Company failed to pay its employee, Plaintiff Alberto Xic ("Xic"), overtime compensation for the overtime hours that he regularly worked.

2. The Company is owned and operated by Defendants Jamie Randall and Jeffrey Randall (collectively, the "Randalls").

3. Accordingly, Xic brings this action to recover unpaid overtime wages, liquidated damages, and attorneys' fees owed to him under the Fair Labor Standards Act, 29 U.S.C. Section 216(b) (2017) (the "FLSA").

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under 29 U.S.C. Section 216(b) (2017) and 28 U.S.C. Section 1331 (2017).

5. Xic brings this complaint in the district in which he and the Company reside and where a substantial portion of the conduct charged herein occurred. Accordingly, venue is proper in this district pursuant to 28 U.S.C. Section 1331(b) (2017).

THE PARTIES

6. Xic, an individual residing in Galveston, Texas, was employed with the Company within the meaning of the FLSA during the three-year period preceding the filing of this complaint. In performing his duties, Xic engaged in commerce or in the production of goods for commerce.

7. The Company, a domestic limited liability company, is an enterprise engaged in commerce within the meaning of the FLSA and has acted, directly or indirectly, in the interest of an employer with respect to Xic. The Company can be served with process by serving its registered agent, Jaime T. Randall, at 2301 Broadway, Galveston, Texas 77550, 10223 Broadway, Suite P #378, Pearland, Texas 77584, 11608 Bay Ledge Drive, Pearland, Texas 77584, or wherever she may be found.

8. Defendant Jamie Randall, is an individual residing in Pearland, Texas. Defendant Jamie Randall has acted, directly or indirectly, in the interest of an employer with respect to Xic.

Defendant Jamie Randall may be served with process at 2301 Broadway, Galveston, Texas 77550, 10223 Broadway, Suite P #378, Pearland, Texas 77584, 11608 Bay Ledge Drive, Pearland, Texas 77584, or wherever she may be found.

9. Defendant Jeffrey Randall, is an individual residing in Pearland, Texas. Defendant Jeffrey Randall has acted, directly or indirectly, in the interest of an employer with respect to Xic. Defendant Jeffrey Randall may be served with process at 2301 Broadway, Galveston, Texas 77550, 10223 Broadway, Suite P #378, Pearland, Texas 77584, 11608 Bay Ledge Drive, Pearland, Texas 77584, or wherever he may be found.

FACTUAL BACKGROUND

10. Xic was employed by the Company and the Randalls (collectively, the "Defendants") from 2009 until April 9, 2017. Xic's primary responsibilities included, without limitation, acting as a cashier processing cash and credit card payments, washing clothes, and maintaining equipment.

11. Throughout his employment, Xic was paid an hourly rate in cash, most recently \$9.00 per hour for each hour worked weekly. Xic typically worked the same schedule each week generally working more than ten (10) hours per day, six (6) days each week. Xic recorded his hours worked by hand which records the Randalls reviewed and sporadically signed when Xic was paid.

12. No exemption excuses the Defendants from paying Xic time-

and-one-half for hours worked over forty (40) hours. Nor have the Defendants made a good faith effort to comply with the FLSA. Instead, the Defendants knowingly, wilfully, or with reckless disregard carried out its illegal pattern or practice regarding overtime compensation with respect to Xic.

13. Simply put, Xic, a non-exempt employee, was not properly compensated for hours worked over forty (40) each workweek despite the fact that he was entitled to be paid time-and-a-half for all hours worked in excess of forty hours in a workweek. 29 U.S.C. Section 207(a) (2017). Accordingly, the Defendants' practice of failing to pay Xic overtime compensation is a clear violation of the FLSA.

14. The Randalls, as officers, directors and/or members of the Company, have a substantial financial interest in the Company and are directly involved in:

- a. the hiring and firing of the Company's employees;
- b. the day-to-day operations as they relate to defining the terms of employment, workplace conditions, and the level of compensation to be received by the Company's employees;
- c. the Company's finances; and
- d. the Company's business decisions.

CAUSES OF ACTION

Failure To Pay Overtime

15. The Defendants' practice of failing to pay Xic for overtime hours worked at one and one-half times his appropriate

regular rate was and is in violation of the FLSA.

16. Accordingly, Xic is entitled to unpaid overtime pay in an amount which is one and one-half times his appropriate regular rates.

17. Additionally, Xic is entitled to an amount equal to all of his unpaid overtime wages as liquidated damages.

18. Finally, Xic is entitled to reimbursement of his reasonable attorneys' fees and costs incurred in this action. 29 U.S.C. Section 216(b) (2017) .

PRAYER

WHEREFORE, Xic requests that this Court award him judgment against Defendants Randall Team Limited Company dba Galveston Washateria, Jamie Randall, and Jeffery Randall, jointly and severally, for the following:

- a. damages for the full amount of his unpaid overtime compensation;
- b. an amount equal to his unpaid overtime compensation as liquidated damages;
- c. reasonable attorneys' fees, costs and expenses of this action;
- d. pre-judgment interest and post-judgment interest at the highest rates allowable by law; and
- e. such other and further relief as may be allowed by law.

Respectfully submitted,

/S/ Mark Siurek
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